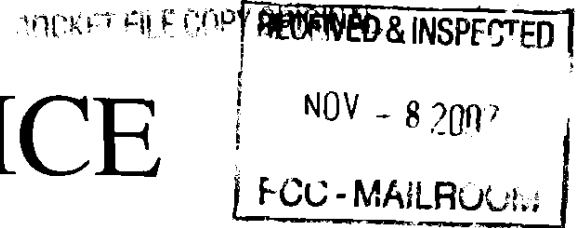




PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 02-3081

Released: November 8, 2002

AT&T WIRELESS SERVICES, INC. AND CINGULAR WIRELESS LLC SEEK FCC CONSENT TO ASSIGN AND TRANSFER CONTROL OF PCS LICENSES

WT Dkt. No. **02-354**

PLEADING CYCLE ESTABLISHED

Petitions/Comments Due:	December 9, 2002
Oppositions Due:	December 19, 2002
Replies Due:	December 27, 2002

AT&T Wireless Service, Inc. ("AWS") and Cingular Wireless LLC ("Cingular") have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended, seeking Commission consent to the full and partial assignment and transfer of control of licenses in the Personal Communications Services ("PCS"). Consent is necessary to implement a joint venture – GSM Corridor, LLC ("GSM Corridor") – to build infrastructure using GSM technology that will enable the joint venture partners to provide service to subscribers along approximately 4,000 miles of select highways in rural parts of the country. Licenses to be controlled by GSM Corridor will consist of portions of licenses currently held by AWS or its subsidiaries, licenses acquired from third parties, and a license held by a subsidiary of Cingular.

APPLICATIONS

This Public Notice lists four groups of applications for the assignment or transfer of control of licenses granted pursuant to Part 24 of the Commission's rules. The first group consists of applications related to the assignment of certain authorizations from third parties to AT&T Wireless PCS, LLC ("AWP"), a wholly-owned subsidiary of AWS. The second group consists of applications related to the *pro forma* partitioning or partitioning and disaggregation of licenses into BTA-specific 10 MHz authorizations for the highways to be served (the "highway partitions"). The highway partitions will be assigned (1) from AWP to one of two wholly-owned subsidiaries of AWS, AT&T Wireless Roadrunner License Sub. LLC ("SUB-A") or Roadrunner Cingular License Sub. LLC ("SUB-C"), or (2) from Pacific Telesis Mobile Systems, LLC ("Pacific Telesis"), an indirect wholly-owned subsidiary of Cingular, to Cingular New England License Sub LLC ("SUB-NE"), an indirect wholly-owned subsidiary of Cingular. The third group consists of applications related to the transfer of control of SUB-A, SUB-C, and SUB-NE to GSM Corridor, a joint venture entity directly owned equally by AT&T Wireless Roadrunner, LLC, a wholly-owned subsidiary of AWS, and Cingular Wireless Roadrunner, LLC, a wholly-owned

¹ 47 U.S.C. § 310(d)

subsidary of Cingular. The fourth and final group consists of applications related to the assignment of certain non-highway portions of the 10 MHz BTA licenses to Southwestern Bell Wireless, LLC ("Southwestern Bell Wireless"), an indirect wholly-owned subsidiary of Cingular.

1. ASSIGNMENT APPLICATIONS FROM THIRD PARTIES TO AWP

The following are applications for consent to assign PCS licenses from Lewis and Clark Communications, LLC ("Lewis and Clark"), Royal Wireless, L.L.C. ("Royal"), and Southwest Wireless, L.L.C. ("Southwest") to AWP. The applications have been assigned the file numbers below.

File Number	Licensor	Licensee
0001053809	Lewis and Clark Communications, LLC	Lead Call Sign
0001053817	Royal Wireless, L.L.C.	KNLF929
0001053811	Southwest Wireless, L.L.C.	KNLG715
		KNLF766

II. PRO FORMA ASSIGNMENT APPLICATIONS TO PARTITION OR PARTITION AND DISAGGREGATE THE HIGHWAY AREAS

The following are *pro forma* assignment applications for consent to partition or partition and disaggregate licenses in order to create the highway partitions. In this second application group, AWP will partition or partition and disaggregate certain licenses to two different wholly-owned subsidiaries of AWS, SUB-A and SUB-C. In addition, an authorization held by Pacific Telestis, a subsidiary of Cingular, will be partitioned and disaggregated to SUB-NE. The applications have been assigned the file numbers below.

File Number	Assignee	Lead Call Sign
0001056342	AT&T Wireless Roadrunner License Sub, LLC	KNLG464
50000-CW-AA-03 ²	AT&T Wireless Roadrunner License Sub, LLC	KNLG207
0001056322	Roadrunner Cingular License Sub, LLC	KNLF291
50001-CW-AA-03 ³	Roadrunner Cingular License Sub, LLC	KNLF766
0001056309 ⁴	Cingular New England License Sub LLC	WPSL626

III. TRANSFER OF CONTROL APPLICATIONS OF SUB-A, SUB-C, AND SUB-NE TO GSM CORRIDOR

The following are applications for consent to transfer control of licenses held by the wholly-owned subsidiaries of AWS, SUB-A and SUB-C, and the wholly-owned subsidiary of Cingular, SUB-NE, to GSM Corridor. The applications have been assigned the file numbers below.

² This application is attached to file no. 0001056309. This application involves licenses that concurrently are being assigned from Lewis and Clark, Royal, and Southwest to AWP. See File Nos. 0001053809, 0001053817, 0001053811; see also Assignment Applications from Third Parties to AWP, *supra* Section I. Since these assignment applications are still pending, the licenses are not shown as belonging to AWP in the Universal Licensing System ("ULS") database. Thus, it was necessary to file this application manually with a request for waiver of the ULS electronic filing requirement. Furthermore, Exhibit A to this application is identical to Exhibit A of lead application File No. 0001056309; therefore, Exhibit A to this application has not been scanned into ULS.

³ See *supra* note 2.

⁴ File No. 0001056309 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

<u>File Number</u>	<u>Licensor</u>	<u>Lead Call Sign</u>
50002-CW-TC-03 ⁵	AT&T Wireless Roadrunner License Sub, LLC	KNLG534
50003-CW-TC-03 ⁶	Roadrunner Cingular License Sub. LLC	KNLF291
50004-CW-TC-03 ⁷	Cingular New England License Sub LLC	WPSL626

IV. APPLICATIONS TO ASSIGN CERTAIN NON-HIGHWAY AREAS TO SOUTHWESTERN BELL WIRELESS, LLC

The following are applications for consent to assign certain licenses from AWP to Southwestern Bell Wireless. These authorizations are the remaining 10 MHz portions of some of the BTAs following the highway partitions that were the subject of the *proforma* assignment applications from AWP to SUB-C.⁸ The applications have been assigned the file numbers below.

<u>File Number</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
50005-CW-AA-03 ⁹	Southwestern Bell Wireless, LLC	KNLF291
50006-CW-AA-03 ¹⁰	Southwestern Bell Wireless, LLC	KNLG715

DESIGNATED ENTITY AND ENTREPRENEURIAL ELIGIBILITY ISSUES

AWS and Cingular state that this transaction will include the transfer of C and F Block PCS licenses to AWP.¹¹ The Commission's rules state that "[n]o assignment or transfer of control of a license for frequency Block C or frequency Block F won in closed bidding pursuant to the eligibility requirements of § 24.709 will be granted." except when, among other things, "[t]he application for assignment or transfer of control is filed on or after the date the licensee has notified the Commission pursuant to § 24.202(c) that its five-year construction requirement has been satisfied." AWS and Cingular state that five-year build-out notifications have been filed for all the C and F block licenses

This application is attached to file no. 0001056309. All of the authorizations that will be held by SUB-A, SUB-C, and SUB-NE are the result of partitions or partitions and disaggregations of licenses from AWP and Pacific Telesis. See File Nos. 0001056309, 0001056322, 0001056342, 50000-CW-AA-03, 50001-CW-AA-03, see also *Pro forma* Assignment Applications to Partition or Partition and Disaggregate the Highway Areas, *supra* Section 11. These transfer of control applications were filed on paper with a request for waiver of the ULS electronic filing requirement. In addition, new call signs will be assigned upon the creation of the partitions or partitions and disaggregations; therefore, the call signs shown above are merely for informational purposes and designate the originating call sign of the license that was partitioned or partitioned and disaggregated. Furthermore, Exhibit A to this application is identical to Exhibit A of lead application File No. 0001056309; therefore, Exhibit A to this application has not been scanned into ULS.

⁶ See *supra* note 5.

⁷ See *id.*

⁸ See File Nos. 0001056322, 50001-CW-AA-03.

⁹ This application is attached to file no. 0001056309. These licenses are involved in earlier phases of the transaction; therefore, the licenses are not available to be transferred directly from AWP to Southwestern Bell Wireless via ULS. Accordingly, these applications have been filed on paper with a request for waiver of the ULS electronic filing requirement. Furthermore, Exhibit A to this application is identical to Exhibit A of lead application File No. 0001056309; therefore, Exhibit A to this application has not been scanned into ULS.

¹⁰ See *supra* note 9.

¹¹ See File Nos. 0001053809, 0001053817, 0001053811 (assigning licenses from Lewis and Clark, Royal, and Southwest to AWP); see also Assignment Applications from Third Parties to AWP, *supra* Section I.

¹² 47 C.F.R. § 24.839(a).

¹³ See *id.* § 24.839(a)(6).

implicated in the assignment applications.

AWS and Cingular acknowledge that full payment of the remaining unpaid principal and any unpaid interest accrued through the eventual date of the assignments or transfers of control and any other payments otherwise required by Section 1.2111 of the Commission's rules will be required to be made immediately prior to closing.¹⁴

GENERAL INFORMATION

The assignment and transfer of control applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.¹⁵ Interested parties may file comments or petitions to deny no later than **December 19, 2002**. Replies to such pleadings may be filed no later than **December 19, 2002**. Oppositions to such pleadings may be filed no later than **December 27, 2002**. All filings concerning matters referenced in this Public Notice should refer to **DA 02-3081** and **WT Docket No. 02-354**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

All documents filed in the proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch.

Pursuant to Section 1.1200(a) of the Commission's rules,¹⁶ which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by **permit-but-disclose ex parte** procedures that are applicable to non-restricted proceedings.¹⁷

Under the Commission's current procedures for the submission of filings and other documents," submissions in this matter may be filed electronically (*i.e.*, by the Commission's Electronic Comment Filing System (ECFS)) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS.**" comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also

¹⁴ See 47 C.F.R. § 1.2111(c), (d).

¹⁵ See 47 U.S.C. § 309(b).

¹⁶ 47 C.F.R. § 1.1200(a).

¹⁷ See *id.* § 1.1206.

¹⁸ See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, **Order**, FCC 01-345 (rel. Nov. 29, 2001); see also FCC Announces a New Filing Location for Paper Documents and New Fax Number for General Correspondence, *Public Notice*, **DA 01-2919** (rel. Dec. 14, 2001).

¹⁹ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Rep. 24,121 (1998).

submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov and should include the following words in the body of the message: "get form <your e-mail address>." A sample form and directions will be sent in reply.

- **If filed by paper.** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings) to: (1) the Commission's duplicating contractor, Qualex International, at qualexint@aol.com or (202) 863-2898 (facsimile); (2) Kathy Harris, Commercial Wireless Division, Wireless Telecommunications Bureau, at kharris@fcc.gov, or (202) 418-7224 (facsimile); (3) Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at emcgrath@fcc.gov or (202) 418-7447 (facsimile); and (4) Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at rcookmey@fcc.gov or (202) 418-2923 (facsimile).

For further information, contact Kathy Harris or Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240, or Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

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